

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58699-2023
Date of decision:- 18.01.2024

DALJIT SINGH @ BABLA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. V.S. Anand, Advocate, for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked fifth time for grant of regular bail to the petitioner in FIR No.94, dated 16.05.2017 under Sections 307, 148, 149, IPC and Sections 25/27 of Arms Act registered at Police Station Jandiala, District Amritsar.

Counsel for the petitioner has contended that the earlier petition bearing CRM-M-21446-2022 seeking regular bail to the petitioner was dismissed on merits by this Court vide order dated 20.07.2022 and trial Court was requested to make sincere endeavour for the speedy disposal of the case. But till today, no such effort has been made.

counsel, the petitioner has suffered incarceration 04 years, 10 months and 15 days. He prays for dismissal of the present petition stating that the petitioner is also involved in other cases, as is evident from the custody certificate.

Having heard the learned counsel for the respective parties, this Court is of the considered view that the trial is prolonged and likely to take long time in the light of the fact that out of total 22 prosecution witnesses, only 7 have been examined after framing of charges on 13.11.2019 and detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle "Bail is a rule, jail is an exception"

In view of the aforesaid facts and circumstances as well as the custody period suffered by the petitioner, this Court deems it appropriate that the petitioner deserve the concession of regular bail.

As far as the pendency of other cases is concerned as has been stated by learned State counsel, no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.01.2024

Sham/ramandeep singh

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No